



EUROPEAN  
COMMISSION

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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN  
COURT OF JUSTICE, THE EUROPEAN CENTRAL BANK, THE EUROPEAN  
COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Proposal for an interinstitutional ethics body**

## 1. Introduction

The democracy of the European Union can only thrive in a climate of trust and confidence between the people and the institutions that serve them. A democracy is as strong as the legitimacy it rests upon. This is true at all times and even more important in times of multiple crises affecting greatly people across the EU, who must be able to trust its institutions and the people who lead them. Robust ethics and transparency framework are an essential part of good governance and contribute to preventing other phenomena such as corruption and undue interference into the democratic process.

The European Union has already high governance and ethics standards. Where there are lapses or failures, it has rules and procedures to redress them. To maintain and continuously strengthen citizens' trust in the EU institutions and their leaders, high principles of integrity and transparency are essential, and they must be fully upheld. These principles are also essential to protect the independence of the institutions and the integrity of the decision-making process in each of them and the legitimacy of the Union as a whole. To remain fit for the purpose and to respond to citizen's demands, these rules and procedures need continued updating.

The present initiative is therefore coherent with the Commission's action on rule of law, with the anti-corruption package<sup>1</sup> that the Commission presented on 3 May, with the upcoming defence of democracy package and with the interinstitutional agreement on a mandatory transparency register concluded between Parliament, Council and Commission on 20 May 2021<sup>2</sup>.

Ethics is a cornerstone of the way EU institutions, and the people serving them, work. Therefore, the European Treaties have laid down a number of principles and rules for ensuring the proper conduct of the members of the institutions with regard to the latter's independence and integrity. Most institutions have chosen to implement these principles and rules in more detail, be it in their rules of procedure, or in Codes of Conduct for their members or in both.

However, the EU institutions have different ethical frameworks in place for their respective members based on the different provisions in the Treaties. While some differences can be explained by the different roles of each institution under the Treaties and by the different risks inherent in performing the duties of members, it has become clear that a common set of basic ethical standards and cooperation between institutions is needed.

The very serious revelations and allegations surfacing at the end of last year have demonstrated that, no matter where they occur and the number of persons concerned, they have the effect of impacting all EU's institutions. This has led to calls for stronger rules but

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<sup>1</sup> [Anti-corruption: Stronger rules to fight corruption](#)

<sup>2</sup> Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register, OJ L 207, 11.6.2021, p. 1–17, [EUR-Lex - 32021Q0611\(01\) - EN - EUR-Lex \(europa.eu\)](#)

also to a further alignment of the rules and mechanisms to enforce them in order to dispel concerns and to ensure that applicable rules are coherent and easy to understand by both members and citizens.

In its Special report n° 13/2019<sup>3</sup>, the Court of Auditors concluded that the European Parliament, the Council and the Commission have put in place, to a large extent, adequate ethical frameworks (for both members and staff). It also identified certain areas where the coverage, specificity, clarity, and level of guidance could be improved and harmonised. In the report, the Court also identified room for sharing good practice among institutions on ethical matters.

However, and unlike for staff, including senior managers, who fall under detailed ethical obligations set out by the legislator in Title II of the EU Staff Regulations adopted on the basis of Article 336 of the Treaty on the Functioning of the European Union (TFEU)<sup>4</sup>, there are currently no common minimum ethical standards for members and no formal mechanisms allowing for the establishment, coordination or exchange of views between institutions on the ethical standards expected from their members. It is this gap, and the lack of common minimum ethical standards for members, that the present initiative aims at filling by proposing the creation of an Ethics Body covering members of all EU institutions.

The Commission has adopted the present proposal for an agreement between the institutions and the two advisory bodies to cover all institutions and bodies mentioned in Article 13 of the Treaty on European Union (TEU). This proposal will accordingly be transmitted to the European Parliament, the European Council, the Council, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the Economic and Social Committee and the Committee of the Regions. Upon its request, the European Investment Bank may also become a Party to this Agreement once it enters into force.

The proposed agreement also provides for arrangements that allow Union bodies, offices and agencies, other than the participating institutions, to voluntarily apply the entire set of current and future common standards developed by the Body to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under this agreement. In this case, the concerned body, office or agency will take part to an exchange of views with the Ethics Body on their respective internal rules. The exchange of views will take place when new standards are developed or where existing ones are updated.

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<sup>3</sup> [Special report no 13/2019: The ethical frameworks of the audited EU institutions: scope for improvement \(europa.eu\)](https://european-courts.eu/en/special-reports/13-2019-the-ethical-frameworks-of-the-audited-eu-institutions-scope-for-improvement)

<sup>4</sup> The rights and obligations of staff are set out in Article 11 to Article 26a; Article 10 establishes an interinstitutional Staff Regulations Committee, Article 110 provides an obligation to consult the interinstitutional Staff Regulations Committee when an institution adopts general implementing provisions; moreover, it provides for an obligation of institutions to regularly consult each other on the application of the Staff Regulations, and establishes a registry of the rules of all institutions implementing the EU Staff Regulations.

## 2. An inter-institutional approach to ethics and integrity

It is part of the institutional autonomy of each institution, a principle of EU law, to itself adopt the internal rules applicable to its members. However, it is in the interest of citizens and all institutions that each of them has a strong ethical framework in place for its members. The reputation of the EU as a whole depends on the reputation of all institutions and the ethical conduct of all their members.

The Political Guidelines of the President of the Commission expressed support for the creation of such an interinstitutional ethics body and the Commission has since then been working towards this end together with other EU institutions

In its resolution of 16 September 2021, the European Parliament underlined that *‘a single independent EU ethics body could better ensure the consistent and full implementation of ethics standards across the EU institutions to guarantee that public decisions are taken with a view to the common good and citizens’ trust in the EU institutions’*.

As explained above, one of the recommendations of the Special report<sup>5</sup> of the Court of Auditors on the ethical frameworks of the European Parliament, the Council and the Commission is precisely that the audited institutions should make further efforts to share good practice on ethical matters.

It is indeed not only important that each European institution sets and applies clear rules for ethics and transparency. It is also crucial to ensure that all institutions:

- apply clear, transparent and equally high standards of integrity and independence, with due respect to their differences when appropriate; and
- have similar efficient control and enforcement mechanisms.

The establishment of an interinstitutional Ethics Body can precisely serve to achieve this, in full consideration of the autonomy of each institution. It will allow the participating institutions to benefit from their mutual experiences, to learn from each other, and to establish a common set of minimum ethical standards.

A significant improvement would come from a common set of minimum standards, a common culture for members of all institutions, a better public understanding of the ethical framework, and more clarity on what is acceptable and what is not, for everyone inside and outside the institutions, and on how institutions ensure proper application of the rules.

This interinstitutional initiative will demonstrate the importance that all institutions attach to high ethical standards as well as their implementation, and will thereby contribute to strengthening trust in the institutions and their members.

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<sup>5</sup> [Special report no 13/2019: The ethical frameworks of the audited EU institutions: scope for improvement \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/144202/Pages/144202.aspx)

With the establishment of the Ethics Body there will, for the first time, be a formal mechanism for coordination and exchange of views between institutions and for the establishment of the common standards for the ethical conduct of their members.

Other initiatives contributing to establish open, transparent and ethics-oriented institutions have already demonstrated the importance of an inter-institutional approach.

As regards staff of the EU institutions, existing structures and mechanisms have proved successful to achieve a common inter-institutional approach whenever the subject matter calls for it. To begin with, staff of all institutions are subject to the common and detailed obligations enshrined in Article 11 to Article 24 of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, adopted by Parliament and Council on the basis of Article 336 TFEU. This ensures the application of identical standards and rules for the entire civil service of the EU. Each institution has adopted internal rules to give effect to these Staff Regulations, including in the field of ethics. To allow for transparency and to promote a consistent application of the Staff Regulations, the rules implementing the Staff Regulations are compiled in a register held by the Court of Justice of the European Union and are the subject of a report presented every three years by the Commission to the European Parliament and the Council (Article 110 of the Staff Regulations) on the rules adopted by each institution to give effect to the Staff Regulations. The latest report<sup>6</sup> shows there was further convergence among the institutions on a significant number of subject matters of implementing rules during the reporting period, including in the fields of ethics and integrity.

To make the most of these well-established mechanisms of coordination for staff rules, the Commission invites all institutions covered by the Staff Regulations to examine, as a matter of priority, room for sharing good practices, lessons learnt and, where necessary, areas for further alignment of the rules for staff. This work can be undertaken at the level of the College of Heads of Administration. Staff members are outside the scope of this agreement, as there are already interinstitutional coordination mechanisms for ethical matters of staff members. Within the limits of the Staff Regulations and via the College of Heads of Administration, the Parties to this agreement should commit to strive for an equivalent level of standards to those adopted by the Body as regards Directors-General and equivalent. The inter-institutional dialogue should also explore possible alignment of rules and practices related to the publication of the meetings of their senior managers with organisations and self-employed individuals on issues relating to decision-making and policy implementation in the Union as part of the dialogue with stakeholders. The Commission stands ready to share its experience, building on nearly 10 years of implementation of its internal decision on the matter<sup>7</sup>.

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<sup>6</sup> Report of 28 May 2021 from the Commission to the European Parliament and the Council on the rules adopted by the appointing authority of each institution to give effect to the Staff Regulations ([COM\(2021\) 258 final](#))

<sup>7</sup> Commission Decision of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals, [O.J. L 343/19, 28 November 2014](#)

Building on the positive experience with a previous agreement concluded in 2014, the Interinstitutional Agreement on a mandatory Transparency Register concluded in 2021 between the Commission, the Parliament and, for the first time, the Council and shows the relevance of an inter-institutional approach in that regard. This agreement establishes principles and rules for a coordinated approach to both transparent and ethical interest representation, as well as for transparent and ethical interactions between the three said EU institutions and interest representatives at EU level.

The Interinstitutional Agreement of 25 May 1999 between the Parliament, the Council and the Commission concerning internal investigations by the European Anti-fraud Office (OLAF) is another example of the relevance of the interinstitutional approach for the implementation of ethics and integrity rules<sup>8</sup>. The agreement ensures that investigations be carried out under equivalent conditions in all the Union institutions.

### **3. An inter-institutional ethics body**

#### **3.1. Composition**

The task of the body is to develop common ethical minimum standards for the conduct of members of the institutions and advisory bodies listed in Article 13 TEU and, if it requests to take part, of the European Investment Bank.

The Ethics Body will be composed of one member from each participating institution, which is designed in the Agreement as a “Party”. To ensure a smooth and continuous running of the Body, each Party will designate one full member and one alternate.

The representative of a Party shall, in principle, be at the level of a Vice-President. It is however necessary to take into consideration the specificities linked to the role of each institution. This is why the proposed Agreement foresees that flexibility is given to every Party to appoint a representative other than a Vice-President, where no such function exists within the Party, or such a choice would be inappropriate.

The function of the Chair of the Body will rotate annually in line with the sequence set out in Article 13 TEU. In the event the European Investment Bank becomes a full Party, it will hold the annual chair after the sequence set out in Article 13 TEU has taken place.

The Body’s work will be informed by five independent experts who will act as observers and be appointed following a procedure to be established by the Commission and in consideration for their competence, experience in high-level functions, independence and professional qualities. They shall attend each meeting of the Body and advise on any ethical question related to the mandate of the Body. They shall also provide an opinion for an

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<sup>8</sup> The agreement recalls that (pursuant to Commission Decision 1999/352) OLAF can conduct investigations into serious situations relating to the discharge of professional duties which may constitute a failure to comply with the obligations of officials or other servants of the Union liable to result in disciplinary or, in appropriate cases, criminal proceedings or a failure to comply with the analogous obligations of the members, managers or members of staff not subject to the Staff Regulations.

exchange of views of the Body on the alignment of the internal rules of Party with the standards.

When appointing the independent experts, the parties shall strive to ensure gender balance.

The members of the Body will be supported by a secretariat, which will be a joint operational structure formally hosted in the Commission. It shall be made up of the heads of unit, or equivalent, responsible for ethics for members in each participating institution and their respective staff designated for this purpose. The person holding that position at the Commission shall act as the Coordinator for the secretariat, unless another person is designated by the Commission in agreement with the Parties.

### **3.2.Tasks**

The Body will have three main tasks:

- To develop common minimum standards applicable to all Parties and their members, as well as to initiate their review, as necessary;
- to hold exchanges of views on the basis of the assessment made by a Party of the alignment of its own internal rules with the standards referred to above;
- to promote cooperation among the Parties on issues of common interest related to the conduct of their members as well as exchanges with any other public body or international organisation whose activities are relevant for ethics and integrity rules or standards.

The adoption of ethical rules and procedures and their application to individual cases will remain with each institution, in full respect of their autonomy and independence.

Union bodies, offices and agencies, other than the participating institutions, may voluntarily apply the complete set of current and future common minimum standards developed by the Body to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under this agreement. In this case, they will take part to an exchange of views with the members of the Ethics Body on their internal rules related to areas where standards have been developed. They will designate a representative for the sake of that particular exchange of views. The same exchange of views will take place when new standards are developed or where existing ones are updated.

### **3.3. Areas for standardisation**

The Body will develop common minimum standards in a defined number of areas, which duly consider the importance of these areas for the independence and integrity of the members and of the institutions they belong to. The standards should also include activities for promoting (awareness-raising) and monitoring compliance in each institution. Any party may, at any time, suggest to the Body, which will decide by consensus, to develop common minimum standards in other areas. The standards have to be common to all Parties and



should therefore be designed in a way that duly respects their different institutional setting or role.

Standards should be common to all Parties and address the risks which they – and their members – face. The standards developed by the Body will not, under any circumstance, constitute grounds for lowering the standards that may already be applied by a party on the same matter.

The standards will relate to the following fields:

- **standards for interests and assets to be declared:** certain interests and assets of members can create a conflict of interest in the performance of a member's duties or be otherwise relevant for the performance of duties. Common standards would help all Parties to reflect on the categories of interests and assets that can potentially present a risk for the independence and integrity of the members. Common standards should also reflect on the appropriate rules and procedures in all institutions that should be applied to scrutinise these declarations.
- **standards for side / external activities of members:** it is essential to ensure that the performance of such activities, if it is to happen, does not compromise the availability of members for, and is not incompatible with, the performance of their institutional tasks. Such activities should not compromise the independence of members, and hence shed public doubts about the independence of the institution to which they belong. The standards should address the risks created by certain activities which may give rise to conflicts of interest or lead, in particular when they are remunerated, to a conflict between the necessary independence as member and the performance of duties in relation to these external activities.
- **standards for the acceptance of gifts, hospitality, travel offered by third parties:** members are not entrusted with public office or public mandates to draw personal gain from those functions. When they go beyond symbolic courtesy value or remain undeclared, the acceptance of gifts in any forms or hospitality from sources outside the institution creates risks of conflicts of interest and suspicions of influence, or be seen to influence, the decision-making process. Standards will help effectively addressing these risks.
- **standards for the acceptance of awards/decorations/prizes/honours during the mandate:** as for the gifts and hospitality, the acceptance of awards/decorations/prizes/honours by members from sources outside the institution may, because of the proximity created with the source, lead to risks of a conflict of interest and of a lack of independence. Standards will help aligning the assessment of the reason for the honors or decoration and the possible consequences for the member's independence.
- **standards for conditionality and transparency measures, in particular as regards meetings with interest representatives and their publication:** a continuous dialogue with stakeholders and interest representatives is part of the EU's democratic system and can provide valuable input in order to initiate and implement legislation or policies that take full account of the specificities of the domain concerned. The transparent framing of



such dialogue is however essential, to avoid risks for the institution or its members, that it might - even inadvertently - be exercised for the benefit of a specific interest group with possible detrimental effects for public trust and the general interest of the European Union. Certain common standards do exist in relation to meetings with interest representatives and the publication of information thereon following the interinstitutional agreement on the Transparency Register between Parliament, Council and Commission, even though the internal rules and practices between the three institutions vary, so common standards seem necessary too. Conditionality and transparency measures apply to other areas than meetings and publication of information thereon, such as access to institutions' premises, as deemed necessary to ensure interest representation that is transparent and ethical. Common minimum standards should also be developed in relation to these other areas.

- **standards for dealing with post-mandate activities of former members and their transparency:** post-mandate activities carry the risk of members using sensitive information for the benefit of a new employer, client or profession, of unduly using contacts or relations established under the former position to influence decisions of the institutions in the future or of casting doubts on decisions taken by public office holders while they were in office. Common standards could address the conditions for the authorisation of such activities, their transparency and certain related restrictions.
- **standards for the implementation of the common framework, including as regards the monitoring of compliance and ensuring follow-up in case of breaches:** standards on members' conduct are essential but not sufficient by themselves: they need to be complemented by concrete and efficient implementation and monitoring mechanisms as well as mechanisms for strengthening a common culture of ethics and integrity, notably via information and awareness-raising. Common standards may relate to the internal advisory functions that assist the competent authorities in their assessment of a particular matter, or members directly, notably the composition of internal ethics bodies and their tasks. They also concern the procedures to monitor compliance and ensure follow-up in case of breaches. Standards may also relate to mechanisms whereby suspicions of a breach of internal rules in an area covered by the standards by a member may be reported to OLAF and to the institution concerned, including follow-up actions on the report and the protection of the reporting persons against retaliation.
- **standards for the publicity of information gathered under the previous points.** Transparency is a core element of a democratic Union that has the trust and support of citizens. The body should develop standards for transparency in the fields mentioned here above, in full compliance with EU data protection rules<sup>9</sup>, for example with regard to the disclosure of individual interests, through specific declarations in order to avoid doubts on the independence of members and of the institutions to which they belong. Transparency is also about making public all the standards which have been developed

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<sup>9</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, *OJ L 295*, 21.11.2018, p. 39–98.

by the body, and all the applicable rules in each institution in all areas covered by the standards, in particular via the body's website.

### **3.4. The Body in the inter-institutional architecture**

The Political Guidelines of the Commission support the creation of an 'independent ethics body common to all institutions' as all institutions play an important role in fostering trust in the EU. The Commission therefore considers that an agreement between all institutions, based on their institutional autonomy, is the appropriate administrative approach as it allows to have all EU institutions participating.

The set-up of the Body will respect the autonomy and independence of each institution, as well as the institutional balance, and the different provisions in the Treaties for the members of the different institutions. The Treaties, and in particular Article 13(2) TEU, establish a system of checks and balances at EU level: such a balance cannot be overturned or amended by an agreement between the EU institutions.

The competences of the body will not impinge upon the prerogative of each institution to adopt internal rules and take decisions with respect to its members. The application of the internal rules is the primary responsibility of each institution which is exercised within the system of institutional balance with its checks and balances established by the Treaties.

The standards developed by the Body will however form a minimum common standard for a further alignment of the ethical frameworks applicable to the members of all participating institutions, without however imposing the adoption of a single set of ethical rules common to all.

The Body will neither interfere with, or limit in any way, the investigative functions (and therefore not overlap) with the powers of the:

- European Anti-Fraud Office (OLAF) which has significant powers and expertise in investigating serious breaches of professional duties of members. All institutions, bodies, offices and agencies should recognise and support OLAF's mandate in full;
- European Public Prosecutor's Office, which can investigate criminal offences affecting the Union's financial interests, including when committed by members of the institutions, and which can rely on the powers and measures provided for by Council Regulation (EU)2017/1939;
- national police and prosecutorial authorities which can investigate any criminal offence by a member and which can rely on the powers and measures provided by national criminal procedures; this includes the prosecution of criminal offences, like fraud and corruption, for which the Commission presented an Anti-Corruption Package on 3 May, as announced by President von der Leyen in her 2022 State of the Union address. This package includes a proposal to update and harmonise EU rules on definitions and sanctions on corruption offences, to ensure high standards in the fight against corruption, and applies in full to the members of all EU institutions as well as to EU staff;

- European Ombudsman, which can open inquiries into suspicions of maladministration by the institutions and can require access to information and documents held by the institutions.

In accordance with the Treaties, for the implementation of this agreement, the participating institutions will practice mutual sincere cooperation.

#### **4. Conclusion**

The European institutions, in their respective missions, must rely on the irreproachable conduct of their members. While discussions around the set-up of an inter-institutional ethics body are not new, there is a new momentum and a strong determination to make it happen, while preserving the particularities and independence of all the different EU institutions. The establishment of the body will be an addition to the existing ethical framework and help consolidate and strengthen trust in the EU institutions and in the people serving them. The setting up of this Body will represent a significant step towards ensuring that the institutions of the European Union meet and apply the highest standards of independence and integrity.

The Commission is therefore proposing an agreement between all EU institutions and advisory bodies mentioned in Article 13 TEU attached to this Communication. In the spirit of sincere cooperation, the institutions concerned should strive to ensure that an agreement on the attached draft text is reached as soon as possible, and in such time so as to allow the interinstitutional ethics body to be set up before the next European elections. Upon its request, the European Investment Bank may also become a full Party to this Agreement after it enters into force. Union bodies, offices and agencies other than the Parties may decide to voluntarily apply the entire set of current or future common standards developed by the Ethics Body to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under this agreement. In this case, they will take part to an exchange of views with the members of the Ethics Body on their respective internal rules related to areas where standards have been developed. The same exchange of views will take place when new standards are developed or where existing ones are updated.

This proposal is part of the Commission's broader set of actions to foster integrity and defend the Union's democratic system.

As announced in the 2022 State of the Union Address, the Commission presented an anti-corruption package on 3 May. The package includes a proposed directive with new and strengthened rules criminalising corruption offences and harmonising penalties across the EU, as well as a proposal from the High Representative of the Union for Foreign Affairs and Security Policy, supported by the Commission, to establish a dedicated Common Foreign and Security Policy (CFSP) sanctions regime to target serious acts of corruption worldwide. These new measures place a strong focus on prevention and creating a culture of integrity, in which corruption is not tolerated and at the same time, strengthen and work in synergy with existing enforcement tools such as the 2019 Whistleblower Protection Directive.

Another related initiative announced in the 2022 State of the Union Address is the Defence of Democracy package.

These initiatives, together with the present proposal, will further strengthen the institutional setting of the Union, ensuring an even higher degree of transparency and integrity, and therefore reinforcing the trust of EU citizens in their democratic system.



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ANNEX 1

## **ANNEX**

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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN  
COURT OF JUSTICE, THE EUROPEAN CENTRAL BANK, THE EUROPEAN  
COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Proposal for an interinstitutional ethics body**

## ANNEX

### Proposal for

**an Agreement between the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for the Members of the Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union (TEU)**

### EXPLANATORY MEMORANDUM

Article 13(1) of the Treaty on European Union (TEU) provides that the European Union ‘shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions’.

The European institutions, in their respective missions, must rely on irreproachable conduct of their members. Members must abide by the ethical principles and obligations for individual members of the institutions set out in the EU Treaties as well as by the rules each institution derived from them.

For EU citizens to have trust in their democratic representatives in the European institutions and in the functioning of the institutions, the members of the institutions must meet the highest standards of independence and integrity.

The Treaties establish obligations for the members of most institutions and attribute responsibilities for ensuring the proper conduct of the members of the institutions with regard to the latter’s independence and integrity. The institutional balance established by the Treaties ensures checks and balances between the institutions. The Treaties notably established procedures allowing to react to misconduct of individual members of the institutions. Most institutions have chosen to implement this framework and the corresponding individual obligations in more detail, either in their rules of procedure or in Codes of Conduct for their members. The relevant provisions are:

#### The European Parliament

The Treaties do not establish explicit ethical obligations of Members of the European Parliament or explicit rules or procedures to be followed in case of ethical misconduct of a member at EU level. Parliament has laid down rules in a Code of Conduct for the Members of the European Parliament which is attached to its Rules of Procedure. Article 8 of the Code of Conduct for Members of the European Parliament on the procedure in the event of possible breaches of the Code of Conduct provides:

*1. Where there is reason to think that a Member of the European Parliament may have breached this Code of Conduct, the President shall, except in manifestly vexatious cases, refer the matter to the Advisory Committee.*

2. *The Advisory Committee shall examine the circumstances of the alleged breach, and may hear the Member concerned. Based on its findings, it shall make a recommendation to the President concerning a possible decision.*

*In case of an alleged breach of the Code of Conduct by a permanent member or by a reserve member of the Advisory Committee, the member or reserve member concerned shall refrain from taking part in the proceedings of the Advisory Committee on that alleged breach.*

3. *If, taking into account that recommendation, and having invited the Member concerned to submit written observations, the President concludes that the Member concerned has breached the Code of Conduct, he or she shall adopt a reasoned decision laying down a penalty. The President shall notify that Member of the reasoned decision.*

*The penalty may consist of one or more of the measures listed in Rule 176(4) to (6) of the Rules of Procedure.*

4. *The internal appeal procedures defined in Rule 177 of the Rules of Procedure shall be available to the Member concerned.*

Rule 176(4) to (6) of its Rules of Procedure – Penalties

4. *The penalty may consist of one or more of the following measures:*

- (a) a reprimand;*
- (b) forfeiture of entitlement to the daily subsistence allowance for a period of between two and thirty days;*
- (c) without prejudice to the right to vote in plenary, and subject, in this instance, to strict compliance with the Members' standards of conduct, temporary suspension from participation in all or some of the activities of Parliament for a period of between two and thirty days on which Parliament or any of its bodies, committees or delegations meet;*
- (d) prohibition of the Member from representing the Parliament on an inter-parliamentary delegation, inter-parliamentary conference or any interinstitutional forum, for up to one year;*
- (e) in the case of a breach of confidentiality, a limitation in the rights to access confidential or classified information for up to one year.*

5. *The measures laid down in points (b) to (e) of paragraph 4 may be doubled in the case of repeated breaches, or if the Member refuses to comply with a measure taken under Rule 175(3).*

6. *In addition, the President may submit a proposal to the Conference of Presidents for the suspension or removal of the Member from one or more of the offices held by that Member in Parliament, in accordance with the procedure laid down in Rule 21.*

## The European Council

Article 15(5) TEU



*The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end the President's term of office in accordance with the same procedure.*

A Code of Conduct for the President of the European Council provides further rules for the expected conduct.

### The Council

The Council of the European Union consists of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast the vote of this Member State (Article 16(2) TEU). The Rules of Procedure of the Council based on Article 240(3) TFEU do not establish any specific ethical obligations for individual ministers representing the Member States in the Council. They rely in this regard on the responsibility and internal decisions of each Member State to ensure that its votes and positions are correctly represented in the Council by the designated minister and that the designated individual contributes to, and respects, the proper functioning of the Council.

### The European Commission

#### Article 245 TFEU

*The Members of the Commission shall refrain from any action incompatible with their duties. Member States shall respect their independence and shall not seek to influence them in the performance of their tasks.*

*The Members of the Commission may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council acting by a simple majority or the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with Article 247 or deprived of his right to a pension or other benefits in its stead.*

A Code of Conduct for the Members of the European Commission defines and clarifies the obligations applicable to Members (OJ C 65, 21.2.2018, page 7 – 20).

### The Court of Justice of the European Union

#### Article 6 of the Statute of the Court of Justice of the European Union (Protocol No. 3)

*A Judge may be deprived of his office or of his right to a pension or other benefits in its stead only if, in the unanimous opinion of the Judges and Advocates-General of the Court of Justice, he no longer fulfils the requisite conditions or meets the obligations arising from his office. The Judge concerned shall not take part in any such deliberations. If the person concerned is a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.*

*The Registrar of the Court shall communicate the decision of the Court to the President of the European Parliament and to the President of the Commission and shall notify it to the President of the Council.*

*In the case of a decision depriving a Judge of his office, a vacancy shall arise on the bench upon this latter notification.*

A Code of conduct for Members and former Members of the Court of Justice of the European Union clarifies the obligations in more detail (OJ C 397, 30.9.2021, p. 1–8).

### The Court of Auditors of the European Union

#### Article 286(5) and (6) TFEU

*5. Apart from normal replacement, or death, the duties of a Member of the Court of Auditors shall end when he resigns or is compulsorily retired by a ruling of the Court of Justice pursuant to paragraph 6.*

*6. A Member of the Court of Auditors may be deprived of his office or of his right to a pension or other benefits in its stead only if the Court of Justice, at the request of the Court of Auditors, finds that he no longer fulfils the requisite conditions or meets the obligations arising from his office.*

A Code of Conduct for the Members and former Members of the Court sets out the obligations in more detail (OJ L 128, 2.5.2022, p. 102–113).

### The European Central Bank

Article 11(4) of the Statute of the European System of Central Banks and of the European Central Bank (Protocol No. 4) regarding the Members of its Executive Board

*If a member of the Executive Board no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Governing Council or the Executive Board, compulsorily retire him.*

A Code of Conduct for high-level ECB officials sets out the ethical obligations applicable to the members of the Governing Council and the members of the Supervisory Board when exercising their functions as members of a high-level ECB body, as well as to the members of the Executive Board (OJ C 478, 16.12.2022, p. 3–14).

### The Committee of the Regions

#### Article 300(4) TFEU

*The members of [...] the Committee of the Regions shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.*

The Code of Conduct for Members of the European Committee of the Regions (OJ L 20, 24.1.2020, p. 17–23) further implements this provision.

### The European Economic and Social Committee

#### Article 300(4) TFEU

*The members of the Economic and Social Committee [...] shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.*

The Rules of Procedure and Code of Conduct for members of the European Economic and Social Committee (OJ L 149, 31.5.2022, p. 1–54) further implement this provision.

The Treaties have thereby established a differentiated framework regarding the individual obligations of members of the institutions and the procedure to follow in case of misconduct. Most institutions have chosen to implement this framework and the corresponding individual obligations in more detail. Those institutions have adopted internal rules either in their rules of procedure or in Codes of Conduct for their members and usually entrusted their respective President with a special responsibility for the application of those rules. They usually also established an internal advisory body to assist the decision-making of the institutions regarding all or certain of those individual obligations of their members. There is currently no mechanism or forum to discuss, or coordinate, these internal measures among the institutions, even in areas where there are strong similarities between the institutions and their members. There is also no single place where the ethical rules and measures applicable to members of all institutions are publicly available.

The Political Guidelines of the President of the Commission issued on 16 July 2019 supported the creation of an ‘independent ethics body common to all EU institutions’, aiming at ensuring trust in the EU institutions regarding ‘ethics, transparency and integrity’.

The European Parliament worked between 2019 and 2021 on an own-initiative report on strengthening transparency and integrity in the EU institutions by setting up an independent EU ethics body. Its resolution was adopted on 16 September 2021. The Commission sent a formal reply to Parliament on 18 February 2022. A subsequent resolution calling for the establishment of the ethics body was adopted on 16 February 2023.

An Ethics Body common to all institutions will allow developing common minimum standards with respect to the conduct of members of the institutions. It will thereby offer, for the first time, a possibility to all institutions to address the issue of ethical standards for their members as a matter of common interinstitutional interest. As regards the staff of the EU institutions, the Staff Regulations and the Conditions of Employment of other servants of the European Union have already put in place a comprehensive set of rules and procedures in the field of ethics and disciplinary action, which is applicable to the staff of all EU institutions, bodies, offices and agencies. This ensures identical standards and rules for the entire civil service of the EU that may be further clarified by implementing rules adopted by each institution. To allow for transparency and to promote a consistent application of the Staff Regulations, the rules implementing the Staff Regulations are compiled in a register held by the Court of Justice of the European Union and are the subject of a report presented every three years by the Commission to the European Parliament and the Council (Article 110 of the Staff Regulations). These efforts are supported by the well-established structures and mechanisms that achieve a common inter-institutional approach whenever the subject matter calls for it. The Commission considers that those well-established structures and mechanisms should examine, as a matter of priority, room for sharing good practices, lessons learnt and, where necessary, areas for further alignment of the rules for staff.

Staff members are outside the scope of this agreement, as there are already interinstitutional coordination mechanisms for ethical matters of staff members. Within the limits of the Staff Regulations and via the College of Heads of Administration, the Parties to this agreement should commit to strive for an equivalent level of standards to those adopted by the Body as regards Directors-General and equivalent.

Such formal interinstitutional mechanisms and common standards for staff, however, do not exist for the members of the institutions, and this is precisely where lies the added-value of an Ethics Body covering the members of all EU institutions and advisory bodies.

The decision-making powers for the adoption and application of the internal ethical rules of each institution should remain within the respective institutions. The application of the internal rules is the primary responsibility of each institution which is exercised within the system of institutional balance with its checks and balances established by the Treaties. The institutions cannot renounce to exercise their respective powers which are entrusted to them by the Treaties. They cannot delegate the responsibility for the conduct of their members and their prerogative to react to breaches of ethical rules by individual members. However, by virtue of their administrative autonomy, they can decide to set up and share the assistance of an advisory body in developing common minimum standards for ethical behaviour of individual members and in matters concerning the preparation of their respective internal ethical rules and procedures regarding their members.

The setting up of this Body will not interfere with, or limit in any way, the investigative functions and therefore not overlap with the respective powers of the European Anti-Fraud Office, the European Public Prosecutor's Office, the national police and prosecutorial authorities and the European Ombudsman.

This Agreement is without prejudice to the 2021 Interinstitutional Agreement on a mandatory Transparency Register concluded between Parliament, Council and Commission as well as the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission concerning internal investigations by the European Anti-fraud Office.

To ensure ownership and provide added value, this Body should be a structure common to all institutions and advisory bodies providing guidance and assistance to them through advice on matters and in ways agreed by them.

In order to implement its commitment to support the creation of an ethics body common to all institutions and advisory bodies, the Commission proposes this agreement between these institutions and advisory bodies, which will be transmitted to the European Parliament, the European Council, the Council, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the Economic and Social Committee and the Committee of the Regions. In the spirit of sincere cooperation, it is important that an interinstitutional agreement be reached as soon as possible, and in such time so as to allow the ethics body to be set up before the next European elections. Upon its request, the European Investment Bank may also become a full Party to this Agreement after it enters into force. It shall become a Party to this Agreement as from the date it designates a representative in the Ethics Body. Any standards that could be developed by the Ethics Body prior to the effective membership of European Investment Bank shall fully apply to it.

Union bodies, offices and agencies, other than the participating institutions, may voluntarily wish to apply the entire set of current or future common standards developed

by the Ethics Body to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under this agreement. In this case, they will take part to an exchange of views with the members of the Ethics Body on their respective internal rules related to areas where standards have been developed. They will designate a representative for the sake of that particular exchange of views. The same exchange of views will take place when new standards are developed or where existing ones are updated.

## Proposal for

**an Agreement between the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, establishing an Interinstitutional Body for Ethical Standards for the Members of the Institutions and advisory bodies mentioned in Article 13 of the Treaty on European Union**

THE EUROPEAN PARLIAMENT,

THE EUROPEAN COUNCIL,

THE COUNCIL,

THE EUROPEAN COMMISSION,

THE COURT OF JUSTICE OF THE EUROPEAN UNION,

THE EUROPEAN CENTRAL BANK,

THE COURT OF AUDITORS,

THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE,

AND THE EUROPEAN COMMITTEE OF THE REGIONS

Whereas:

- (1) The purpose of this Agreement is to establish an Interinstitutional Body for Ethical Standards for the members of the Union institutions and advisory bodies listed in Article 13 (1) and (4) of the Treaty on the European Union ('the Body'). Upon its request, the European Investment Bank may also become a full party to this Agreement after it enters into force.
- (2) Union bodies, offices and agencies, other than the parties to this agreement, may choose to apply the entire set of current and future common minimum developed by the Body to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under this Agreement.
- (3) The Body's functioning should not impinge on the competences of any of the parties as set out in the Treaties or affect their respective powers of internal organisation or the system of checks and balances established by the Treaties. It shall also not impinge on the powers of European Anti-Fraud Office (OLAF) which has significant powers and expertise in investigating serious breaches of professional duties of members. All institutions, bodies, offices and agencies should recognise and support OLAF's mandate in full.
- (4) The effectiveness of the Union as a whole relies on its legitimacy, while its legitimacy in turn relies on trust of its citizens. Ethics, integrity and transparency are essential for maintaining the trust of Union citizens in the political, legislative and administrative work of the Union institutions.
- (5) Members of the Union institutions and advisory bodies have a particular responsibility to fully uphold and embody the ethical principles and obligations set out in the Treaties as well as by the rules each institution derived from them.
- (6) It is not only important that all Union institutions and advisory bodies set and apply clear and transparent rules but also that they have the same set of minimum



standards of integrity and independence as well as mechanisms to ensure compliance with their respective ethical rules.

- (7) Accordingly, the tasks of the Body should be to develop common minimum standards in a defined number of areas, to exchange views on the self- assessment made by an institution or advisory body on the alignment of its internal rules with those developed standards and to foster inter-institutional cooperation in this area.
- (8) The exchange of views, based on a self-assessment, should also apply to the Union bodies, offices and agencies, other than the parties, that voluntarily choose to apply the entire set of common minimum standards. To that end, they should designate a representative for the sake of the exchange of views.
- (9) Each party should strive to ensure gender parity in the appointment of its full and alternate representatives in the Body. The overall composition of the Body, comprising its (full and alternate) Members, including its Chair, as well as the independent experts should strive towards gender balance.
- (10) Nothing in this Agreement should prevent a party from imposing more stringent requirements for their members, in particular in consideration of a specific risk associated with the mandate and tasks of the party or of its members.
- (11) Nothing in this Agreement should, under any circumstance, constitute grounds for lowering the standards already applied by a party in the matters covered by this Agreement.
- (12) The parties should always act in mutual sincere cooperation in implementing this Agreement.
- (13) This Agreement is signed by the parties following completion of their respective internal procedures for that purpose,

AGREE AS FOLLOWS:

## Article 1

### *Subject-matter and scope*

1. This Agreement establishes an Interinstitutional Body for Ethical Standards ('the Body') for the members of the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions ('the parties'). It also sets out the framework and the operating principles thereof.
2. Upon its request, the European Investment Bank shall also become a full party to this Agreement. Its participation in the Body shall take effect as from the date it designates a representative in the Body, in accordance with Article 3. Any common minimum standards that could be developed by the Body prior to the effective participation of European Investment Bank shall fully apply to it.



## Article 2

### *Definitions*

1. For the purposes of this Agreement, ‘members of the parties’ means:
  - (a) the members of the European Parliament;
  - (b) the President of the European Council;
  - (c) the representatives at ministerial level of the Member State holding the Presidency of the Council;
  - (d) the members of the European Commission;
  - (e) the members of the Court of Justice of the European Union;
  - (f) the members of the Court of Auditors;
  - (g) the members of the Executive Board of the European Central Bank as well as the Members of the Governing Council and of the Supervisory Board when exercising their functions;
  - (h) the members of the European Economic and Social Committee;
  - (i) the members of the European Committee of the Regions.
2. In case the European Investment Bank becomes a party, in accordance with Article 1(2), the definition laid down in paragraph 1 of this Article shall be extended to cover the members of the Management Committee of the European Investment Bank as well as the Members of the Board of Directors when exercising their functions.

## Article 3

### *Members of the Body*

1. Each party shall be represented in the Body by one member. To that effect, each party shall appoint a full representative and an alternate representative who shall sit as a member of the Body when the full representative is absent or impeded. The full and alternate representatives shall be appointed at the maximum two months after the date of entry into force of the Agreement. Each party shall strive to ensure gender parity in the appointment of its full and alternate representatives.
2. The full representative of the Body shall, in principle, be at the level of a Vice-President or at an equivalent level.
3. Each party shall have full discretion to proceed with the replacement of its full or alternate representative, while always striving to ensure gender parity amongst the

full and alternate representatives. In any event, the term of the full or alternate representative shall automatically come to an end:

- (a) when the representative ceases to hold office in the Union institution or advisory body that it represents;
- (b) in any case five years after the first designation as full or alternate representative.

#### Article 4

##### *Chair*

1. Each party shall chair the Body on a rotating basis for a term of one year. The rotation shall follow the order of institutions laid down in Article 13(1) of the Treaty. Once the list in Article 13(1) of the Treaty has been exhausted, the rotation shall continue with the two advisory bodies referred to in Article 13(4) of the Treaty. It shall then continue with the European Investment Bank if it becomes a party in accordance with Article 1(2).
2. The Chair shall organise the work of the Body, ensuring that the appropriate organisational and procedural measures are taken and bringing all required information and documents to the attention of all members of the Body.

#### Article 5

##### *Independent experts*

1. The Body shall be assisted by five independent experts who shall attend all meetings of the Body as observers and shall advise the members of the Body on any ethical question related to the mandate of the Body.
2. The independent experts shall be appointed by common agreement of the parties in consideration of their competence, experience, independence and professional qualities. They shall have an impeccable record of professional behaviour as well as experience in high-level functions in European, national, or international public organisations. They shall be appointed, following a procedure to be established by the Commission, at the latest three months after the entry into force of this Agreement.
3. The independent experts shall sign a declaration on the absence of conflicts of interest. If the authority authorised to conclude contracts of employment identifies a conflict of interests, it shall seek the opinion of the Body.
4. When appointing the independent experts, the parties shall strive to ensure gender balance.
5. The term of the independent experts shall be three years, renewable once. If an independent expert ceases office before the completion of the three-year term, the parties shall appoint by common agreement a new member for three years.

6. The independent experts shall receive the status of Special Adviser from the Commission and shall be administratively attached to the Commission. They shall be reimbursed the travelling and accommodation expenses they incur when carrying out their duties. They shall receive a *per diem* allowance per day of work calculated on the basis of the remuneration of a Union official in grade AD12.

## Article 6

### ***Mandate***

1. The Body shall contribute to promoting a common culture of ethics and transparency amongst the parties, in particular by developing minimum standards common to the parties for the conduct of their members ('the standards') and by fostering the exchange of best practices on the matter.
2. The Body's tasks shall be as follows:
  - (a) to develop standards for the conduct of the members of the parties, in the areas referred to in Article 7;
  - (b) to update the standards, in accordance with Article 8;
  - (c) to hold exchanges of views on the basis of the assessment made by each party or a voluntarily involved Union body, office or agency of the alignment of its own internal rules with the standards, in accordance with Articles 9 and 19 respectively;
  - (d) to promote cooperation among the parties on issues of common interest related to their internal rules on conduct of their members as well as exchanges with any other European, national or international organisation whose work is relevant for the setting of the standards;
  - (e) to issue an annual report, in accordance with Article 17.
3. The functioning of the Body shall not impinge on the competences of the parties or affect their respective powers of internal organisation. In particular, the Body shall not be competent as regards the application of a party's internal rules to individual cases.

## Article 7

### ***Development of common minimum standards***

1. The Body shall develop standards for the conduct of the members of all parties. The standards shall be developed within the framework of the obligations imposed upon the members of the parties by the Treaties and shall take account of the nature of their mandate or public office as well as the particularities of each party. The standards shall not affect the system of checks and balances established by the Treaties.
2. The standards shall relate to the following matters:
  - (a) interests and assets to be declared by members of the parties;

- (b) external activities of members of the parties during their terms of office;
  - (c) acceptance of gifts, hospitality, travel offered to the members of the parties during their terms of office by third parties;
  - (d) acceptance of awards, decorations, prizes and honours by the members of the parties during their terms of office;
  - (e) activities of the members of the parties after the end of their terms of office;
  - (f) conditionality and complementary transparency measures within the meaning and scope of the Interinstitutional Agreement of 20 May 2021 on a mandatory transparency register<sup>1</sup>, in particular as regards meetings of members of the parties with interest representatives as defined in Article 2, point (a), of that Agreement.
3. The Body shall also develop common minimum standards with respect to:
- (a) general procedures established by the parties to ensure and monitor compliance with their internal rules in the areas referred to in paragraph 2, including awareness raising actions, the composition and tasks of internal bodies on ethical questions, reporting mechanisms to the party concerned in case of a suspicion of breach of rules, including follow-up action on the report and protection of the reporting persons against retaliation, including as regards cases of harassment involving members of the parties, and procedures to initiate or adopt sanctions in case of breaches.
  - (b) publicity requirements of the information gathered in the areas referred to in paragraph 2.
4. Further common minimum standards in other areas than those listed under paragraphs 2 and 3 can be developed if all parties agree.
5. The members of the Body shall agree on the standards by consensus in a spirit of sincere cooperation.
6. The members of the Body shall agree on the standards within six months after appointment of the members and independent experts, in accordance with Articles 3 (1) and 5 (2), and after taking a decision on the development of new standards under paragraph (4).
7. The standards shall be formalised in writing and, taking due account of the autonomy of each party, shall be communicated to all parties. The parties commit to implement them in their internal rules on the conduct of their members. The standards shall be made public on the website of the Body referred to in Article 18.

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<sup>1</sup> OJ L 207, 11.6.2021, p. 1.

Article 8  
*Update of the common minimum standards*

1. The Body shall assess the necessity of an update of existing standards where one or more members of the Body consider that such a review is necessary.
2. A review may be considered necessary in particular due to developments in the case-law of the Court of Justice of the European Union, new or modified ethical standards by international organisations, new technical developments or due to the need for clarification of existing standards as a result of recurring issues.
3. Article 7 (5) and (7) shall apply to the update of existing standards.

Article 9  
*Exchange of views on the parties' self-assessments*

1. Each party shall carry out a written self-assessment of its internal rules and their alignment with the standards developed in accordance with Article 7, and with any updates to existing standards made in accordance with Article 8.
2. Each party shall conclude the self-assessment within a maximum of four months following the adoption of or the update to a standard.
3. The self-assessment shall be presented by the party concerned to a meeting of the Body.
4. The independent experts shall establish a written opinion on each self-assessment, within two months of its receipt. Where the opinion of the experts is not adopted unanimously, the opinion shall include any dissenting point of view. The deliberations of the experts shall be confidential.
5. Within two months of receiving the written opinion referred to in paragraph 4, the Body shall hold an exchange of views, based on the self-assessment and the written opinion.
6. The Secretariat shall prepare a report summarising the exchange of views referred to in paragraph 5 and containing concluding remarks. The Body may amend the report before endorsement. It shall endorse the report by consensus within the two months referred to in paragraph 5. The opinion of the independent experts shall form part of the report.
7. Each party shall update its internal rules at any point after the adoption for the standards by the Body and not later than four months following the endorsement of the report by the Body.
8. Neither the exchange of views referred to in paragraph 5, nor the report referred to in paragraph 6 shall have any binding or legal effect.

9. The self-assessment referred to in paragraph 1 and the report referred to in paragraph 6 shall be made public in accordance with Article 18.

#### Article 10

##### ***Exchange of good practices***

1. The Body shall hold a yearly meeting dedicated specifically to matters of common interest in the field of ethics and the exchange of best practices between the parties.
2. The Body may invite to the meeting referred to in paragraph 1 representatives of any other public national, European or international organisation whose work is deemed relevant for the setting of the standards.

#### Article 11

##### ***Meetings***

1. The meetings shall be convened by the Chair.
2. In addition to the meetings referred to in Articles 7 to 10, the Chair may, on his or her own initiative or at the request of any party and within one month of receiving this request, convene additional meetings to discuss matters of common interest.

#### Article 12

##### ***Procedure for conflicts of interest***

1. Members of the Body and independent experts shall promptly declare to the Chair any circumstance which could impair or could be perceived as impairing their independence or impartiality when performing their tasks in the Body.
2. Where a declaration is made in accordance with paragraph 1:
  - (a) the member concerned shall be replaced by their alternate for as long as the member is prevented from participating in the work of the Body. Where the declaration is made by the Chair, he or she shall be temporarily replaced by the member who at that time represents the institution which shall hold next the Chair according to the rotation defined in Article 4 (1);
  - (b) the independent expert concerned shall abstain from participating in the exchanges with the other experts for as long as the situation of conflict persists.

#### Article 13

##### ***Rules of procedure***

1. The Body shall adopt its Rules of Procedure, which shall be public, within three months after appointment of the members and independent experts.

2. The Rules of Procedure shall detail the necessary arrangements to ensure that implementation of this Agreement is effective.

#### Article 14

##### ***Reimbursement of expenses***

Any expense incurred by a member of the Body or their alternate in connection with their duties in the Body shall be covered by the party to which they belong.

#### Article 15

##### ***Secretariat***

1. The Secretariat shall be a joint operational structure set up to manage the functioning of the Body. It shall be made up of the heads of unit, or equivalent, responsible for the ethics rules for members in each party ('heads of unit') and their respective staff.
2. The Secretariat shall be formally hosted in the Commission and operate under the coordination of the head of unit who, within the Commission, is responsible for the ethics rules for the members of the Commission, or an official specifically designated for that purpose by the Commission in agreement with the other parties (the "coordinator"). The coordinator shall represent the Secretariat and oversee its day-to-day work, in the common interest of the parties.
3. The Secretariat shall:
  - (a) report to the Body, prepare its meetings, provide operational assistance in its tasks and prepare the report referred to in Article 9(6);
  - (b) prepare the draft annual report referred to in Article 17;
  - (c) carry out any other activities necessary for the effective implementation of this Agreement;
  - (d) direct all incoming and outgoing correspondence with the Body to its Chair and/or the party concerned by the correspondence.

#### Article 16

##### ***Resources***

1. The parties shall commit by way of a memorandum of understanding between their Secretaries-General, or the holders of an equivalent office, to be agreed within three months after appointment of the members and independent experts, to make available the necessary human, administrative, technical and financial resources, including adequate staffing for the Secretariat, so as to ensure effective implementation of this Agreement.



2. The parties shall equally share the costs related to the independent experts referred to in Article 5. They shall provide an annual financial compensation to the Commission at the beginning of the financial year.
3. Any request by the Body requiring additional administrative expenditure of an exceptional nature shall be addressed to the parties which shall review and approve budgetary requests of the Body on an annual basis in accordance with their respective internal rules and procedures.

#### Article 17

##### ***Annual report***

1. The Body shall adopt by consensus an annual report on the activities of the Body during the preceding year, after a discussion in the meeting referred to in Article 10.
2. The annual report shall be made public on the website of the Body.

#### Article 18

##### ***Website***

1. The Body shall manage a website in which all the information relevant to its activities shall be publicly available.
2. The website shall, in particular, contain the following:
  - (a) the composition of the Body, the calendar of its meetings and the meeting agendas;
  - (b) the standards developed in accordance with Article 7 and, where applicable, updated in accordance with Article 8;
  - (c) the self-assessments and reports referred to in Article 9 (1) and (6);
  - (d) all the applicable rules of all parties in the areas covered by the standards.

It shall also contain the same information for other voluntary participants under Article 19.

#### Article 19

##### **Voluntary involvement of Union bodies, offices and agencies, other than the parties**

1. Union bodies, offices and agencies, other than the parties, may notify the Body that they voluntarily wish to apply the entire set of current and future to the rules applicable to the persons, other than their staff members, who hold a function similar to the ones falling under Article 2.
2. The Body shall invite the Union body, office and agency concerned to carry out a written self-assessment of its internal rules and their alignment with the standards and to designate a representative to take part to an exchange of views with the members of the Body. Article 9 (3) to (9) shall apply accordingly.

3. Paragraph 2 shall apply *mutatis mutandis* when the Body develops new standards or updates existing standards.

## Article 20

### **Review**

The parties shall assess the implementation of the Agreement two years after its entry into force, and regularly thereafter, with a view, where appropriate, to improving and reinforcing the functioning of the Body or to reviewing the Agreement.

## Article 21

### **Final provisions**

1. This Agreement shall be of a binding nature for the parties. It shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. The parties shall act in mutual sincere cooperation in implementing this Agreement.

Done at (Brussels), [date]

*For the European  
Parliament*

...

*For the European  
Council*

...

*For the Council*

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*For the European  
Commission*

...

*For the Court of Justice  
of the European Union*

....

*For the European  
Central Bank*

....

*For the Court of  
Auditors*

....

*For the Economic and  
Social Committee*

...  
*For the Committee of the  
Regions*  
...



EUROPEAN  
COMMISSION

Brussels, 8.6.2023  
COM(2023) 311 final

ANNEX 2

## **ANNEX**

*to the*

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN  
COURT OF JUSTICE, THE EUROPEAN CENTRAL BANK, THE EUROPEAN  
COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Proposal for an interinstitutional ethics body**

## ANNEX

### SIMPLIFIED FINANCIAL STATEMENT

*(to be used for any internal Commission decision of general significance with a budgetary impact on appropriations of an administrative nature or on human resources, when use of any other type of financial statement is not appropriate – Article 56 of the Commission decision on the internal rules for the implementation of the Commission section of the general budget of the European Union)*

#### 1. Title of draft decision:

Agreement between the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, establishing an Interinstitutional Ethics Body.

#### 2. Policy area(s) and ABB activity(ies) concerned:

##### European Commission

Commission's policy coordination and legal advice – Title 20. Administrative expenditure – Chapter 20 01 Members, officials and temporary staff and Chapter 20 02 Other staff and expenditure relating to persons (Heading VII).

#### 3. Legal basis

☒ Administrative autonomy

☐ Other (*specify*): \_\_\_\_\_

#### 4. Description and grounds:

The Commission is proposing an agreement to set up an ethics body common to the European Parliament, the European Council, the Council, the Court of Justice of the European Union, the European Central Bank, the European Court of Auditors, the Economic and Social Committee and the Committee of the Regions (all together, the “Parties”). Upon its request, the European Investment Bank may also become a Party to this Agreement after it enters into force.

The tasks of the Body are exclusively related to the ethical obligations of the members of the institutions and two advisory bodies. The concrete tasks of the Body are (i) to be a formal mechanism for coordination and exchange of views between the parties, (ii) to prepare common ethical minimum standards for the conduct of members of the parties and (iii) to hold exchanges of views on the basis of the assessment made by a Party of the alignment of its own internal rules with the recommended standards referred to above.

Union bodies, offices and agencies, other than the participating institutions, may voluntarily apply the complete set of common minimum standards developed or to be developed by the Ethics Body. In this case, they will have the possibility to take part to an exchange of views with the members of the Ethics Body on their internal rules related to areas where standards have been developed.

The Body shall consist of one representative from each Party, in principle, at the level of a Vice-President. Each Party will designate a full member and an alternate. Flexibility is given to appoint a representative other than a Vice-President, where no such function exists within the Party, or such a choice would be inappropriate. Any expense incurred by a member of the Body or his or her alternate in connection with his or her duties in the Body shall be covered by the institution to which he or she belongs.

The Body's work shall be informed by five independent experts who shall act as observers and shall advise on any ethical question related to the mandate of the Body. They shall attend each meeting of the Body and provide an opinion for an exchange of views of the Body on the alignment of the internal rules of Party with the recommended standards. The independent experts shall receive the status of Special Adviser by the Commission and be attached to the Commission for administrative reasons. They shall be reimbursed the travelling and accommodation expenses they incur when carrying out their duties. They shall receive a per diem per day of work equivalent to the remuneration of an official in grade AD12. All parties shall provide an annual financial compensation to the Commission at the beginning of the financial year to cover all administrative expenses incurred by the Commission for the Independent experts (per diem, travel and accommodation expenses, daily allowance as well as all other operational and logistical expenses (IT equipment, etc.)).

The members of the Body will be supported by a secretariat. The secretariat will report to the Body, prepare its meetings, provide operational assistance in its tasks, prepare the reports that follow the exchanges of views on the self-assessments made by the Parties, prepare the draft annual report, carry out any other activities necessary for the effective implementation of this Agreement; direct all incoming and outgoing correspondence with the Body to its Chair and/or the Party concerned by the correspondence.

The secretariat will be a joint operational structure but will be formally hosted in the Commission. It shall be made up of the heads of unit, or equivalent, responsible for ethics for members in each participating institution. The person holding that position at the Commission shall act as the "Coordinator" for the secretariat unless another person is designated by the Commission in agreement with the Parties.

The Body shall manage a public website in which all the information relevant to its activities shall be made publicly available, including its composition as well as the calendar of meetings and meeting agendas.

The creation of the Body should translate into a small increase of human resources.

One additional full-time equivalent (1 AD) is required within each institution which is a party to the agreement. While remaining assigned in their respective institution of assignment, they will be available to assist the Secretariat based on the needs.

In addition, two full-time equivalents (2 AST) are required, to provide administrative support to the secretariat, to the independent experts (for example, organisation of their missions) but also to ensure the maintenance of the public website of the Body, including keeping the information available updated.

Subject to the prerogatives of the Union's budgetary authority, the Union institutions and advisory bodies participating in this Arrangement with the exception of the European Court of Auditors, the European Central Bank and the European Investment Bank, if it becomes a Party to the agreement, shall assign to the Commission two AST posts on an annual rotating basis corresponding to the annual rotation of the Presidency of the Body.

In the year when they hold the Presidency, the European Court of Auditors, the European Central Bank and the European Investment Bank, if it becomes a Party to the agreement, shall provide an annual financial compensation at the beginning of the financial year in which they hold the Presidency. In these cases human resources will be provided by the Commission.

## 5. Duration and estimated financial impact:

### 5.1 Period of application:

- ☐ Decision with a limited duration: decision in force from [date] to [date]  
☒ Decision with an indefinite duration: decision in force from [date] to [date]

### 5.2 Estimated budgetary impact:

The draft decision entails:

- ☐ savings  
  
☒ additional costs (if so, specify the heading(s) of the multiannual financial framework concerned): Heading VII

*Complete the estimated financial impact table in the annex for appropriations of an administrative nature or for human resources. If the draft decision is of indefinite duration, the costs must be indicated for each year of development and then for each year of operation at full capacity (in the column 'Total/annual cost').*



### 5.3 Third-party contributions to the financing of the draft decision:

*If the proposal provides for co-financing by Member States or other bodies (please specify which), you should give an estimate of the level of co-financing, if known.*

appropriations in EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5	Year n+6	Total
<i>Specify cofinancing source/body</i>								
TOTAL appropriations cofinanced								

### 5.4 Explanation of figures:

Average staff costs are shown at the foot of page

<https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/financial-statement.aspx>

The decision will lead to the following additional human resources: 2 AST (342.000 €/year to be shared equally amongst the Parties / to be shared amongst the Parties over time)+ 1 AD per participating institution (171.000 €/year/participating institution).

## 6. Compatibility with the current multiannual financial framework:

The proposal/initiative:

☒ can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts. Please provide an excel table in the case of major reprogramming.

[...]

☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

[...]

☐ requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

[...]

7. Impact of savings or additional costs on the allocation of resources:

☒ Resources to be obtained by means of internal redeployment within departments

☐ Resources already allocated to the department(s) concerned

Resources to be requested during the next allocation procedure

**The human and administrative resources required will be met by resources which are already assigned to the management of the action and/or have been redeployed within the institution holding presidency.**

**In this context it is important to recall that all Heading 7 institutions are operating in the context of stable staffing. Consequently, any increases in staffing will only be possible by reductions elsewhere, with the emphasis on reallocation and redeployment within the services.**

## ANNEX:

# ESTIMATED FINANCIAL IMPACT (savings or additional costs) FOR APPROPRIATIONS OF AN ADMINISTRATIVE NATURE OR FOR HUMAN RESOURCES

FTE=Full-Time Equivalent

XX is the policy area or title concerned

EUR million (to three decimal places)

FTE in persons/year	Year 2023		Year 2024		Year 2025		Year 2026		Year 2027			
Heading 7	FTE	approp.	FTE	approp.	FTE	approp.	FTE	approp.	FTE	approp.		
Establishment plan posts (officials and/or temporary staff)												
20 01 02 01 and 20 01 02 02 (- (cumulative impact for all H7 institutions))	3	0,513	3	0,513	3	0,513	3	0,513	3	0,513	3	2,565
20 01 02 03 (Delegations)												
External staff												
20 02 01 ('global envelope')												
20 02 03 (Delegations)												
20 02 05 (Special Advisors)		0,107		0,107		0,107		0,107		0,107		0,535
Other budget lines (specify)												
Subtotal – Heading 7	3	0,620	3	0,620	3	0,620	3	0,620	3	0,620	3	3,100
Outside Heading 7												
Establishment plan posts (officials and/or temporary staff)												
01 01 01 01 (Horizon Europe Indirect research)												
01 01 01 11 (Horizon Europe Direct research)												
01 01 02 01 (Euratom R&T Indirect research)												
01 01 02 11 (Euratom R&T Direct research)												
01 01 03 01 (ITER)												
13 01 02 01 (Defence Fund - research)												
External staff												
Budget line(s) (former 'BA' lines) (specify)												
- at Headquarters												
- in Delegations												
01 01 01 02 (Horizon Europe Indirect research)												
01 01 01 12 (Horizon Europe Direct research)												
01 01 02 02 (Euratom R&T indirect research)												
01 01 02 12 (Euratom R&T direct research)												
01 01 03 02 (ITER)												

13 01 02 02 (Defence Fund – research)									
Other budget lines (specify)									
Subtotal – Outside Heading 7									
TOTAL									

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

*Other administrative appropriations*

EUR million (to three decimal places)

	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
<b>Heading 7</b>						
<u>Headquarters:</u>						
20 02 06 01 - Mission and representation expenses	-	-	-	-	-	
20 02 06 02 - Conference and meeting costs						
20 02 06 03 - Committees						
20 02 06 04 - Studies and consultations						
20 04 – ICT equipment and services <sup>1</sup>	0,038	0,038	0,038	0,038	0,038	0.19
Other budget lines (specify where necessary)						
<u>Delegations:</u>						
20 02 07 01 – Missions and representation expenses						
20 02 07 02 - Further training of staff						
20 03 05 01 and 20 03 05 02 – Acquisition, renting and related expenditure						
20 03 05 03 - Equipment, furniture, supplies and services						
<b>Subtotal – Heading 7</b>	0,038	0,038	0,038	0,038	0,038	0.19
<b>Outside Heading 7</b>						
Budget line(s) (specify) – Expenditure on technical and administrative assistance (not including external staff) from operational appropriations (former 'BA' lines)						
- at Headquarters						
- in Delegations						
01 01 01 03 - Other management expenditure for Horizon Europe indirect research						
01 01 01 13 - Other management expenditure for Horizon Europe direct research						
01 01 02 03 (Other management expenditure for Euratom R&T indirect research						
01 01 02 13 (Other management expenditure for Euratom R&T direct research						
01 01 03 03 (Other management expenditure for ITER)						

<sup>1</sup> ICT: Information and Communication Technologies. DIGIT must be consulted.

13 01 02 03 (Other management expenditure for Defence Fund – research)						
Other budget lines ( <i>specify where necessary</i> )						
<b>Subtotal – Outside Heading 7</b>						
<b>GRAND TOTAL</b>	0,658	0,658	0,658	0,658	0,658	<b>3,29</b>

The administrative appropriations required will be met by the appropriations which are already assigned to management of the action and/or which have been redeployed, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of existing budgetary constraints.